

Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826-4808

DMS NOTICE
QC - 01 -1

February 13, 2001

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Inspections in USDA Regulated Establishments

The Division has recently been notified by Mark T. Mina, Deputy Administrator with the Food Safety and Inspection Service, United States Department of Agriculture, that California State and county officials are preempted by Federal statute from conducting inspections of meat and poultry in federally regulated establishments.

Attached is his letter and our response.

If you have any questions regarding this notice, please contact your Area Specialist or Brett Saum, Program Supervisor, at (916) 229-3047.

Sincerely,

Mike Cleary
Director
(916) 229-3000

Attachments

Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826-4808

February 8, 2001

Mark T. Mina
Deputy Administrator
Office of Field Operations
Food Safety and Inspection Service
U.S. Department of Agriculture
Washington, DC 20250-3700

Dear Mr. Mina:

Thank you for your letter of January 19, 2001 concerning the authority of state and county officials to inspect commodities for quantity in federally inspected establishments. Based on previous conversations with USDA staff, it has always been our understanding that state and county officials have concurrent jurisdiction with federal inspectors.

While this Division and our legal staff disagree with your interpretation of Federal preemption, we respect your decision and will notify state and county officials accordingly.

If there is any change in the interpretation, please contact me at the number below.

Sincerely,

Roger Macey
Branch Chief
Measurement Compliance
(916) 229-3043



United States
Department of
Agriculture

Food Safety
and Inspection
Service

Washington, D.C.
20250

JAN 19 2001

Mr. Roger Macey
Program Supervisor
Measurement Compliance
Department of Food and Agriculture
8500 Fruitridge Road
Sacramento, California 95826-4808

Dear Mr. Macey:

This is in response to your November 22, 2000, letter and enclosures about the authority of state and county officials to inspect meat and poultry products for quantity in federally inspected establishments.

As you know, we like to work closely with state and local officials whenever possible. However, in this matter, California is preempted by Federal statute from conducting weights and measures of product in federally inspected establishments. Under the Federal Meat Inspection Act, product within federally inspected establishments falls within the jurisdiction of the Food Safety and Inspection Service.

We appreciate your bringing this issue to our attention. If you have further questions, or would like additional information, please let us know.

Sincerely,

Mark T. Mina
Deputy Administrator
Office of Field Operations